



PATENT
Docket No. 50142US010

#13
DR
10/21/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Joyce B. Palazotto et al.)
Serial No.: 10/067,141)
Confirmation No.: 7314)
Filed: 4 February 2002)
For: SPEECH TRANSMISSION ADAPTOR FOR USE WITH A RESPIRATOR MASK)

Group Art Unit: 3761
Examiner: Aaron Lewis

SUPPLEMENTAL APPEAL BRIEF

Commissioner for Patents
Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

In accordance with 37 C.F.R. §1.193(b)(2)(ii), Appellants present this Supplemental Appeal Brief in response to the Office Action dated 2 July 2003, which reopened prosecution in the above-identified matter. A Request for Reinstatement of Appeal is filed concurrently herewith.

The entire contents of the Appeal Brief filed 21 April 2003 are considered to be relevant to the appeal and are thus incorporated by reference herein in their entirety. Additionally, Appellants provide the following additional arguments in response to the Office Action of 2 July 2003 (hereinafter "the current Office Action").

Arguments

The current Office Action asserts that prosecution has been reopened to "properly address the wording of each claim (i.e. specifically with respect to claims 19 and 20) . . in an accurate manner," (*Office Action*, pages 2-3). More specifically, the current Office Action notes that that the Examiner had erroneously asserted in the final rejection dated 22 July 2002, that the phrase

"into an interior of said face mask" appeared in certain claims, e.g., claims 19-20, when, as admitted by the current Office Action, such language formed no part of those claims. The Examiner believes that prosecution should be reopened to address this error.

However, Appellants note that the rejections found in the current Office Action are substantially identical to those addressed in the Appeal Brief. In fact, the Examiner still identifies the phrase "into an interior of said face mask" when rejecting claims 19 and 20. *See Office Action*, page 3, last two lines.

Moreover, the arguments of the Appeal Brief are directed to the correct version of the claims, i.e., there are no additional arguments that need be made by Appellants to address the Office's decision to reopen prosecution.

As the current Office Action provides no response to the arguments of the Appeal Brief, and further has introduced no new grounds for rejection, Appellants request reinstatement of the appeal and consideration of each and every argument contained herein as well as in the previously submitted Appeal Brief.

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Conclusion

For the reasons provided above, reinstatement of the Appeal, and review and reversal of each rejection of the final Office Action, are respectfully requested.

Respectfully submitted for
Joyce B. PALAZOTTO et al.

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CERTIFICATE UNDER 37 CFR §1.10:

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I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, **Mail Stop Appeal Brief – Patents**, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Rachel Bagliardi-Graba
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